

EXHIBIT 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of
all other similarly situated

Plaintiffs, CASE NO.
VS. 5 : 20 - CV - 03664 - LHK - SVK

GOOGLE LLC

Defendant.

CASE NO.

5 : 20 - CV - 03664 - LHK - SVK

vs.

GOOGLE LLC

Defendant.

ZOOM VIDEOTAPED DEPOSITION OF WILLIAM BYATT
December 20, 2021
11:04 a.m. EST

TAKEN BY:

VIOLA TREBICKA, ESQ.
ATTORNEY FOR DEFENDANT

REPORTED BY:

BELLE VIVIENNE, CRR
CERTIFIED STENOGRAPHIC
REALTIME COURT REPORTER
VERITEXT LEGAL SOLUTIONS
JOB NO. 5001125
866 299-5127

1 speech, it -- it's all right and I 11:10:56
2 understand what you mean when you say 11:10:59
3 uh-huh or something that's not verbal. 11:11:01
4 Please do verbalize your answers for the 11:11:04
5 court reporter. 11:11:07
6 A. I may require reminders, but 11:11:07
7 I'll certainly try. 11:11:10
8 Q. I will remind you. 11:11:11
9 So you -- earlier you talked 11:11:12
10 about private -- about Incognito, correct? 11:11:14
11 A. I did, yes. 11:11:19
12 Q. So you do browsing in Incognito, 11:11:20
13 correct? 11:11:22
14 A. Yes. 11:11:22
15 Q. Do you continue to browse in 11:11:23
16 Incognito today? 11:11:25
17 A. Occasionally, yes. 11:11:25
18 Q. How often, presently, how often 11:11:28
19 do you browse? 11:11:32
20 A. That I wouldn't be able to tell 11:11:33
21 you. I don't particularly keep track. 11:11:36
22 Certainly -- yeah, I don't think I could 11:11:40
23 say with specificity. It comes in fits 11:11:46
24 and bursts. You know, sometimes I might 11:11:49
25 spend several hours browsing multiple days 11:11:52

1 in a week and sometimes I might go weeks 11:11:58
2 without opening it. 11:12:01

3 Q. And when you say "it," you mean 11:12:02
4 Incognito? 11:12:04

5 A. I mean Incognito, yes. 11:12:05

6 Q. Understood. Have you changed 11:12:06
7 your browsing behavior on Incognito since 11:12:07
8 the filing of this lawsuit? 11:12:10

9 A. I have wanted to. I may have 11:12:12
10 some, but I felt that it would be best to 11:12:16
11 try to continue my behavior as sort of 11:12:20
12 normally as possible. I'm not sure how 11:12:24
13 effective that is with sort of the -- the 11:12:29
14 awareness and thinking about this more. 11:12:34
15 But it's been -- it's been roughly pretty 11:12:35
16 similar. 11:12:40

17 Q. You say you -- that you have 11:12:40
18 tried to -- or you said that you -- it 11:12:43
19 would be best to try to continue your 11:12:47
20 behavior as normal. 11:12:48

21 11:12:51
22 A. Yeah. So when -- when this 11:12:52
23 lawsuit is over, I will probably quit 11:12:53
24 using Chrome altogether, but I have felt 11:12:58
25 that for -- you know, I've been advised by 11:13:03

1	my attorneys --	11:13:08
2	MR. LEE: Hold on. Hold on.	11:13:09
3	So let me just give you a quick	11:13:11
4	instruction. It is -- in these	11:13:14
5	depositions, you should not reveal any	11:13:16
6	communications you've had with your	11:13:18
7	attorneys.	11:13:20
8	THE WITNESS: Okay.	11:13:20
9	MR. LEE: So if you can answer	11:13:21
10	this question without revealing any	11:13:22
11	communications that you've had with	11:13:23
12	any of your attorneys, happy for you	11:13:24
13	to do that; if you can't, then don't	11:13:29
14	answer the question.	11:13:30
15	THE WITNESS: Okay.	11:13:31
16	A. But, yeah. So it -- it has	11:13:32
17	seemed as though continuing to behave as	11:13:33
18	normally as possible until the end of the	11:13:37
19	lawsuit is what would make the most sense.	11:13:40
20	BY MS. TREBICKA:	11:13:40
21	Q. And what do you understand by	11:13:46
22	the term "Incognito browsing"?	11:13:47
23	A. I understand it to mean -- well,	11:13:51
24	first of all, what Google tells me it	11:13:53
25	means when I open it and there's this	11:13:56

1	Q. And if I asked you what the	12:57:14
2	reason is that you go on Incognito	12:57:16
3	generally, not just for The New York	12:57:18
4	Times, would it be the same answer or	12:57:20
5	would it differ?	12:57:22
6	A. The general answer for the	12:57:24
7	reason that I go on to Incognito mode is	12:57:26
8	to keep Google primarily across all of	12:57:29
9	their services from Chrome to Analytics	12:57:34
10	and their advertising services from having	12:57:37
11	records of my behavior, and also to avoid	12:57:43
12	paywalls and log out of Reddit, but that	12:57:59
13	is certainly the primary reason I do it.	12:58:01
14	Q. When you go on Incognito, do you	12:58:03
15	ever sign into your Google account?	12:58:06
16	A. Very, very rarely.	12:58:08
17	Q. And why would -- if you do, why	12:58:09
18	do you do that?	12:58:11
19	A. On my own computers, I'm not	12:58:17
20	sure I ever have. The only times I can	12:58:20
21	think of that I would have done that is	12:58:23
22	if, for example, I was using someone	12:58:25
23	else's computer and someone else's Chrome	12:58:27
24	and I opened Incognito, so that their	12:58:30
25	experience didn't -- wasn't sort of	12:58:35

1	the web privately using Chrome in	14:19:40
2	Incognito mode.	14:19:43
3	Q. So you understood that sentence	14:19:44
4	to tell you that it would not be shared	14:19:46
5	with Google?	14:19:47
6	A. That's correct because that's	14:19:49
7	what it says.	14:19:50
8	Q. Do you recall your earlier	14:19:52
9	testimony about The New York Times privacy	14:20:44
10	policy?	14:20:52
11	A. I don't recall it verbatim, but,	14:20:52
12	yes. I remember the line of questioning	14:20:54
13	you're talking about, yes.	14:20:55
14	Q. And you recall that The New York	14:20:57
15	Times's privacy policy generally disclosed	14:21:03
16	that certain information they would	14:21:05
17	collect would also be shared with their	14:21:07
18	service providers; do you recall that?	14:21:09
19	A. I do. I also recall The New	14:21:11
20	York Times saying that they were sharing	14:21:15
21	in accordance with the Google privacy	14:21:18
22	policy, which is the document that led me	14:21:20
23	to believe that being in Incognito mode,	14:21:22
24	my information would be private.	14:21:26
25	Q. So what, in this particular	14:21:28

1 document, not necessarily this version, 14:21:33
2 but in the Google privacy policy led you 14:21:36
3 to believe that the websites, third-party 14:21:39
4 websites would not be sharing your 14:21:43
5 information with Google among other 14:21:45
6 service providers when you were browsing 14:21:49
7 in Incognito mode, although they 14:21:51
8 themselves would receive it? 14:21:54

9 A. The part where it says I can 14:21:57
10 also choose to browse the web privately. 14:21:58
11 The part that says that I'm in control of 14:22:01
12 how Google receives my information. 14:22:04
13 And -- and the part in The New York Times 14:22:07
14 document where it says that they abide by 14:22:11
15 this as well. 14:22:13

16 Q. Anything else? 14:22:15

17 A. Probably. It's a 28-page 14:22:18
18 document, but those are certainly the most 14:22:21
19 salient parts that led me to believe that. 14:22:23

20 Q. Okay. Well, take your time and 14:22:25
21 not restricting the time that you can 14:22:26
22 spend reviewing the document, anything 14:22:29
23 else in this document that you believe 14:22:30
24 supports your interpretation? 14:22:33

A. Yeah, the document. You know, I 14:22:37

1	the same session open for more than ten	14:29:38
2	days?	14:29:39
3	A. I have no idea.	14:29:40
4	Q. Could have, could not have, you	14:29:40
5	just don't know?	14:29:42
6	A. That's correct.	14:29:43
7	Q. What about more than 50 days?	14:29:43
8	A. Well, I think the first question	14:29:47
9	in this line was what's the longest you've	14:29:49
10	had it open and I didn't know the answer	14:29:51
11	to that. I'm not going to know the answer	14:29:54
12	to any particular time limit. I guess	14:29:56
13	more -- I definitely never had one open	14:30:01
14	for more than 14 years. You know, like, I	14:30:04
15	really don't know how long I've had one	14:30:07
16	open, and I can't say for any particular	14:30:09
17	length of time that is, you know,	14:30:11
18	physically possible.	14:30:13
19	Q. Do you have one open right now	14:30:15
20	in your computer at home?	14:30:17
21	A. I don't know.	14:30:26
22	Q. You may have, may not have, you	14:30:27
23	just don't recall?	14:30:29
24	A. That's correct.	14:30:30
25	Q. All right. So back to the	14:30:36

1 Incognito new tab page, which you have in 14:30:39
2 front of you as Exhibit 8, it says here 14:30:41
3 "Now you can browse privately, and other 14:30:44
4 people who use this device won't see your 14:30:47
5 activity." Do you see that? 14:30:50
6 A. I see both of those two clauses 14:30:53
7 that you just read, yes. 14:30:56
8 Q. Why do you say "both of those 14:30:56
9 two clauses"? What do you mean by that? 14:30:58
10 A. Well, I understand "now you can 14:31:00
11 browse privately and other people who use 14:31:03
12 this device won't see your activity" to 14:31:04
13 both tell me something -- 14:31:07
14 Q. What do they tell you -- 14:31:08
15 A. -- separately. 14:31:14
16 Q. What do they tell you? 14:31:21
17 A. The first one "Now you can 14:31:23
18 browse privately," tells me that my 14:31:25
19 browsing will be private. The other one, 14:31:28
20 the second half "and other people who use 14:31:31
21 this device won't see your activity," 14:31:33
22 tells me that other people who use this 14:31:36
23 device won't see my activity. 14:31:39
24 MR. LEE: You're doing great, 14:31:55
25 just slow down for the court reporter. 14:31:56

1	that he's not knowledgeable on or has	14:37:14
2	no personal knowledge on. And for you	14:37:17
3	to suggest that that answer is somehow	14:37:18
4	improper is -- is objectionable, and I	14:37:20
5	will speak up every time you do that.	14:37:24
6	So you can conduct your -- your	14:37:25
7	examination any way you see fit, and I	14:37:27
8	will make my record any way I see fit.	14:37:30
9	BY MS. TREBICKA:	14:37:30
10	Q. So, Mr. Byatt, I'm trying to	14:37:34
11	understand what it means in your mind for	14:37:37
12	data to be linked to you. So -- so my	14:37:39
13	question is, if the information -- or	14:37:43
14	rather what it means in your mind for data	14:37:48
15	to be private or -- or private browsing or	14:37:50
16	data that is related to your private	14:37:56
17	browsing, right? So data from your	14:37:58
18	private browsing, if it is not linked to	14:38:01
19	you or your identity, do you consider that	14:38:03
20	not to be private?	14:38:06
21	MR. LEE: Objection, improper	14:38:08
22	hypothetical, calls for speculation.	14:38:09
23	A. I'm not -- I'm not sure what you	14:38:12
24	mean by "identity," right? Like so if	14:38:14
25	there -- if I had a nude picture of myself	14:38:17

1 that had my face blurred out and my name 14:38:21
2 not attached to it and it was being shared 14:38:23
3 without my permission, I would absolutely 14:38:26
4 consider that a violation of my privacy. 14:38:29
5 I don't think that someone needs to have 14:38:34
6 my name for it to be a violation of 14:38:36
7 privacy. I think when Google has 14:38:40
8 behavioral data about things that I have 14:38:43
9 done, that is me, that is what I am doing, 14:38:45
10 and if they have that data, that is not 14:38:49
11 private. 14:38:51
12 BY MS. TREBICKA: 14:38:51
13 Q. So if an IP address related to 14:38:52
14 your private browsing is collected, do you 14:38:54
15 consider that to be violating your 14:38:57
16 privacy? 14:39:01
17 MR. LEE: Objection, improper 14:39:03
18 hypothetical, calls for speculation. 14:39:05
19 Go ahead. 14:39:09
20 A. I think -- I think that -- yeah, 14:39:12
21 it could be. I think that I don't know 14:39:18
22 about specific contexts, I guess, and I 14:39:21
23 think the concern here is that Google told 14:39:26
24 me that there was certain information that 14:39:32
25 they could collect, told me that I could 14:39:34

1	be in control of what information was	14:39:36
2	collected, told me that the way that I	14:39:39
3	could exercise control was by browsing in	14:39:41
4	Incognito mode. And then while browsing	14:39:44
5	in Incognito mode, they collected the	14:39:47
6	information that they told me I could stop	14:39:49
7	them from collecting, and I think that is	14:39:52
8	a -- yeah, a clear -- like, I asked them	14:39:56
9	not to. Like it's not even -- it's not	14:40:01
10	even a case of not consenting. By opening	14:40:05
11	Incognito, I have explicitly said don't	14:40:11
12	collect the information that you said I	14:40:13
13	could control the collection of by opening	14:40:16
14	Incognito mode. So, yeah, that -- that --	14:40:18
15	if that information includes IPs, then,	14:40:22
16	yes, collecting that is a violation of	14:40:24
17	that privacy.	14:40:26
18	BY MS. TREBICKA:	14:40:26
19	Q. Do you mean that the word	14:40:37
20	"privately" and "private browsing" means	14:40:41
21	that your Internet browsing activity will	14:40:44
22	be concealed from everyone?	14:40:46
23	A. Well, in the case of Incognito,	14:40:48
24	I'd expect it to be concealed from Google	14:40:49
25	because they told me it was going to be	14:40:52

1	concealed from Google.	14:40:54
2	Q. Just from Google, right? That's	14:40:56
3	your understanding?	14:40:58
4	A. So if we look on the Incognito	14:40:58
5	splash screen or what you called the new	14:41:00
6	tab page, it lists a few entities that the	14:41:04
7	activity may still be visible to. I	14:41:06
8	believe that disclosure, I believe that it	14:41:10
9	could be visible to the websites, to my	14:41:13
10	employer or school if I'm on the employer	14:41:16
11	or school network to the Internet service	14:41:18
12	provider, but it doesn't say Google here.	14:41:21
13	It doesn't say my activity might still be	14:41:24
14	visible to Google. So I understood this	14:41:26
15	as -- and that would have been a great	14:41:29
16	place for Google to put Google. So I	14:41:32
17	understood this is my information not	14:41:36
18	being visible to Google.	14:41:39
19	Q. Do you browse privately on other	14:41:43
20	browsers as well, other than Chrome?	14:41:49
21	A. I -- I couldn't say. Yeah, I	14:41:55
22	don't recall with specificity, but maybe.	14:42:04
23	Q. But your testimony here today is	14:42:15
24	that Google should have been included in	14:42:18
25	this new tab page because why? Why would	14:42:20

1	(Exhibit 9, Document entitled	14:49:44
2	How Private Browsing Works in Chrome,	14:49:44
3	marked for identification.)	14:49:46
4	MR. LEE: I'm perfectly happy	14:49:46
5	for you to call me James. Okay.	14:49:48
6	BY MS. TREBICKA:	14:49:48
7	Q. Can you both see Exhibit 9?	14:49:52
8	MR. LEE: Yes.	14:49:56
9	A. Yes.	14:49:56
10	BY MS. TREBICKA:	14:49:56
11	Q. Mr. Byatt, have you seen this	14:49:58
12	document or something that looks like this	14:49:59
13	document before?	14:50:02
14	A. I don't know.	14:50:03
15	Q. May have, may not have, you just	14:50:05
16	don't know?	14:50:07
17	A. That's correct.	14:50:08
18	Q. Does it look familiar?	14:50:09
19	A. I don't know.	14:50:11
20	Q. Take a minute to read it.	14:50:14
21	A. This one is short. I have read	14:50:18
22	this document.	14:50:19
23	MR. LEE: And let me interpose	14:50:21
24	an objection based on lack of	14:50:23
25	foundation, which I request, I have a	14:50:25

1	standing objection for, for this	14:50:27
2	document.	14:50:28
3	MS. TREBICKA: And, Mr. Lee,	14:50:31
4	just so that I understand, your -- the	14:50:33
5	basis for your lack of foundation	14:50:34
6	objection is?	14:50:35
7	MR. LEE: Is you -- you have not	14:50:37
8	laid the proper predicate that he's	14:50:38
9	reviewed or is familiar with this	14:50:40
10	document, so I'm not sure why you're	14:50:42
11	going to ask him about it.	14:50:44
12	MS. TREBICKA: Your standing	14:50:47
13	objection is noted.	14:50:48
14	MR. LEE: Thank you.	14:50:49
15	BY MS. TREBICKA:	14:50:49
16	Q. So you've reviewed it now,	14:50:56
17	Mr. Byatt?	14:51:00
18	A. I have, yes.	14:51:01
19	Q. Okay. Can you take a look at	14:51:02
20	the first page where it says "Your	14:51:06
21	activity might still be visible"?	14:51:10
22	A. I see that page.	14:51:13
23	Q. And it says -- and I'll just	14:51:15
24	read it into the record and you'll make	14:51:17
25	sure to go slow. "Incognito mode stops	14:51:19

1 Chrome from saving your browsing activity 14:51:21
2 to your local history. Your activity, 14:51:24
3 like your location, might still be visible 14:51:27
4 to" and then it has a bunch of bullet 14:51:30
5 points. And the first one is "websites 14:51:32
6 you visit, including the ads and resources 14:51:35
7 used on those sites"; do you see that? 14:51:39
8 A. I do see that. 14:51:41
9 Q. And earlier today during this 14:51:43
10 deposition, we established that ads and 14:51:46
11 resources used on those sites could mean 14:51:50
12 Google ads and resources, including Google 14:51:53
13 Analytics, right? 14:51:57
14 A. I'm not sure if we have 14:52:01
15 established that. I -- that feels like 14:52:05
16 courtroom words. I don't -- I'm 14:52:09
17 uncomfortable saying yes to that, but I 14:52:12
18 understand what you are saying right now. 14:52:15
19 Q. So your testimony is that you 14:52:17
20 didn't agree earlier today that websites 14:52:18
21 could use Google Analytics, for example, 14:52:21
22 as a service? 14:52:24
23 A. I -- I think that and what you 14:52:26
24 just said might be two different things. 14:52:28
25 If I'm misunderstanding, that's fine, but 14:52:29

1	I do agree that websites use Google	14:52:32
2	Analytics as a service.	14:52:36
3	Q. Do you understand that websites	14:52:36
4	also sometimes use Google ads as a	14:52:38
5	service?	14:52:40
6	A. Yes.	14:52:42
7	Q. And here, it says that your	14:52:42
8	activity in Incognito may be visible to	14:52:44
9	the websites you visit, including the ads	14:52:47
10	and resources used on those sites; is that	14:52:50
11	correct?	14:52:53
12	A. I see that it says this here,	14:52:54
13	but I'm not sure that I have seen this	14:52:55
14	document before, and what I am sure that I	14:52:57
15	have seen is the Incognito splash screen	14:52:58
16	that tells me that I can browse privately	14:53:00
17	and I am sure that I have seen the privacy	14:53:02
18	policy that says that Incognito mode is	14:53:05
19	how I can control what information is	14:53:07
20	given to Google.	14:53:10
21	MS. TREBICKA: Move to strike as	14:53:12
22	nonresponsive.	14:53:14
23	BY MS. TREBICKA:	14:53:14
24	Q. My question is: This document	14:53:15
25	here that I am showing you says that your	14:53:18

1 activity in Incognito may be visible to 14:53:25
2 the websites you visit, including the ads 14:53:29
3 and resources used on those sites, right? 14:53:31
4 A. Yes, I agree that this document 14:53:34
5 says that. 14:53:36
6 Q. So had you read this document, 14:53:37
7 you would have known that your activity in 14:53:38
8 Incognito may be visible to the websites 14:53:42
9 you visit, including the ads and resources 14:53:44
10 used on those sites, correct? 14:53:47
11 MR. LEE: Objection to form. 14:53:49
12 Calls for speculation. 14:53:51
13 A. Yeah. So I guess if I had read 14:53:55
14 it, I would have understood that it might 14:53:56
15 still be visible to websites I visit, 14:53:59
16 including the ads and resources. It does 14:54:03
17 not say here, that I see, that that 14:54:06
18 definitely includes Google ads, Google 14:54:11
19 Analytics. 14:54:19
20 It does not see -- say that this 14:54:19
21 overrides the -- the privacy policy or the 14:54:23
22 splash screen. But, yeah, I see that it 14:54:27
23 says might. I see that some of these 14:54:31
24 might be visible to our ads and resources, 14:54:33
25 I do see that. 14:54:38

1 MR. LEE: Viola, we've been 14:54:42
2 going for over an hour. I'd like to 14:54:43
3 take a break in the next few. 14:54:47
4 MS. TREBICKA: Okay. I 14:54:49
5 understand. Just give me a second to 14:54:50
6 see if I can finish this up and then 14:54:52
7 we can -- 14:54:54
8 MR. LEE: Sure. 14:54:54
9 MS. TREBICKA: Yeah. 14:54:55
10 A. I can give a little bit of 14:55:23
11 clarity into that last answer too if 14:55:25
12 that's helpful. 14:55:26
13 BY MS. TREBICKA: 14:55:27
14 Q. We'll move on with my 14:55:27
15 questioning. Thank you. 14:55:28
16 So I'd like -- 14:55:30
17 MS. TREBICKA: Actually, James, 14:55:32
18 I would like to move on to a new 14:55:34
19 document. Would you rather take a 14:55:36
20 break now or have me move on? 14:55:37
21 MR. LEE: Yeah, let's take a 14:55:39
22 break now. 14:55:40
23 MS. TREBICKA: Okay. 14:55:40
24 MR. LEE: I generally want to 14:55:41
25 keep it, for everyone's sake, about an 14:55:42

1	previously at minimum.	15:16:59
2	(Exhibit 11, Second Amended	15:17:11
3	Complaint, marked for identification.)	15:17:11
4	BY MS. TREBICKA:	15:17:11
5	Q. We've marked as Exhibit 10 the	15:17:11
6	Second Amended Complaint in this lawsuit.	15:17:17
7	So -- I believe it's Exhibit 10.	15:17:21
8	THE COURT REPORTER: I thought	15:17:26
9	there was a previous Exhibit 10.	15:17:27
10	MS. TREBICKA: Exhibit 11. I	15:17:28
11	apologize.	15:17:34
12	A. I have Exhibit 11 open.	15:17:37
13	BY MS. TREBICKA:	15:17:37
14	Q. Do you recognize this document,	15:17:54
15	Mr. Byatt?	15:17:55
16	A. Yes.	15:17:56
17	Q. What is it?	15:17:56
18	A. It's the second amended	15:17:57
19	complaint in this lawsuit.	15:18:00
20	Q. Have you read it?	15:18:02
21	A. I have.	15:18:03
22	Q. Did you read it before it was	15:18:03
23	filed?	15:18:06
24	A. I did.	15:18:06
25	Q. Did you have any changes to it?	15:18:10

1	A. I don't recall. That also	15:18:13
2	sounds privileged. I don't know -- it	15:18:16
3	sounds like you're talking about	15:18:17
4	conversations between me and my attorney	15:18:19
5	so I -- I don't know, I -- I don't recall	15:18:22
6	either way.	15:18:24
7	MR. LEE: It's a very good	15:18:25
8	point, Mr. Byatt. Thank you.	15:18:26
9	BY MS. TREBICKA:	15:18:26
10	Q. And I'm certainly not asking	15:18:28
11	about the contents of any communications.	15:18:29
12	It was a different question, but thank you	15:18:32
13	for that.	15:18:34
14	A. Yeah.	15:18:35
15	Q. That you are attuned to those	15:18:36
16	issues. Let me direct your attention to	15:18:38
17	paragraph 282.	15:18:43
18	A. Do you know what page number	15:18:51
19	just to make my life a little easier?	15:18:52
20	Q. I will give it you in a second.	15:18:54
21	A. Okay.	15:18:54
22	Q. You may know before I do. I'm	15:18:58
23	still scrolling.	15:19:01
24	A. Me too. I'm at 147. I'm almost	15:19:02
25	there.	15:19:08

1	Q. Okay. It's -- it's page 73 of	15:19:08
2	the PDF.	15:19:13
3	A. I am looking at paragraph 282.	15:19:14
4	Q. And paragraph 282 says	15:19:21
5	"Plaintiffs and Class members have	15:19:23
6	suffered injury-in-fact, including the	15:19:25
7	loss of money and/or property as a result	15:19:27
8	of Google's unfair and/or unlawful	15:19:29
9	practices"; do you see that?	15:19:33
10	A. I do, yes.	15:19:35
11	Q. And I'm -- for the record, to be	15:19:36
12	clear, I'm not reading the entirety of	15:19:38
13	that sentence or paragraph into the	15:19:40
14	record. Feel free to review it if you	15:19:42
15	need to answer my question, which is:	15:19:45
16	What money did you lose as a result of	15:19:47
17	Google's alleged conduct?	15:19:52
18	A. Google has taken the data, which	15:19:55
19	is my property and also, my -- by running	15:19:58
20	analytics, collecting data, using my	15:20:07
21	computing power and bandwidth, that does,	15:20:10
22	you know, quite literally cost	15:20:13
23	electricity, it is part of the monthly	15:20:16
24	bills I pay for -- for electric and	15:20:21
25	Internet.	15:20:22

1	And Google is using the	15:20:23
2	electricity and transmitting over that	15:20:25
3	Internet without my consent. But also,	15:20:27
4	like I said more directly, they've taken	15:20:31
5	the property, which is my data.	15:20:33
6	Q. So my question was limited to	15:20:36
7	the money portion. We'll get to the	15:20:37
8	property portion as well.	15:20:39
9	But as far as the money portion,	15:20:41
10	is there anything else that you contend is	15:20:43
11	the money that you have lost as a result	15:20:48
12	of Google's alleged conduct in this	15:20:50
13	lawsuit?	15:20:52
14	MR. LEE: Hold on. Let me --	15:20:54
15	let me just object to the extent this	15:20:55
16	calls for a legal conclusion or an	15:20:59
17	expert opinion.	15:21:00
18	A. So with those direct losses,	15:21:04
19	the -- the electricity and data bandwidth	15:21:08
20	that it has cost me, it's also -- I -- I	15:21:12
21	subscribe to multiple Google services and	15:21:18
22	I'm not sure that I necessarily would have	15:21:25
23	done that if I weren't sort of in the	15:21:29
24	Google product ecosystem with, you know,	15:21:33
25	Chrome as my primary touch point.	15:21:35

1	So I -- I could reasonably see	15:21:41
2	that other money that I have spent on	15:21:46
3	Google products or services was spent, in	15:21:49
4	part, due to this misrepresentation.	15:21:53
5	BY MS. TREBICKA:	15:21:53
6	Q. Anything else?	15:21:58
7	A. Not that I can think of at the	15:22:00
8	moment.	15:22:02
9	Q. This also says that you suffered	15:22:06
10	a loss of property; is that right?	15:22:08
11	A. It uses "and/or," not "also."	15:22:13
12	So I want that clarification, but yes.	15:22:19
13	Q. Did you, in fact, suffer a loss	15:22:21
14	of property as a result of Google's	15:22:22
15	conduct?	15:22:24
16	A. Yes. Google took my personal	15:22:24
17	data without my information. That	15:22:27
18	personal data is mine. It's my property.	15:22:28
19	MR. LEE: Did you say without my	15:22:30
20	information or --	15:22:31
21	THE WITNESS: Without my	15:22:33
22	consent. They took my personal	15:22:33
23	information without my authorization.	15:22:35
24	BY MS. TREBICKA:	15:22:35
25	Q. Anything else?	15:22:37

1	A. Give me just a moment, please.	16:15:11
2	Yeah, I do.	16:15:13
3	Q. And what is this document?	16:15:14
4	A. Same thing as the others. It is	16:15:17
5	my responses to some questions from	16:15:19
6	Google.	16:15:24
7	Q. Okay.	16:15:25
8	MS. TREBICKA: And same note as	16:15:30
9	to this amended response and	16:15:33
10	objection, we have not yet received	16:15:37
11	Mr. Byatt's verification. We trust it	16:15:39
12	will come shortly.	16:15:43
13	BY MS. TREBICKA:	16:15:45
14	Q. But, Mr. Byatt, did you review	16:15:45
15	to make sure that it is -- the responses,	16:15:46
16	that they are, to the best of your	16:15:49
17	understanding and belief?	16:15:52
18	A. When I got this document, I did	16:15:54
19	do that. Let me -- give me just a moment	16:15:58
20	to check and make sure that this is what I	16:16:02
21	remember reviewing.	16:16:04
22	Yeah, this looks right, as best	16:16:29
23	as I can remember.	16:16:33
24	Q. You're aware of companies like	16:16:36
25	Killi or Brave; is that right?	16:16:40

1	A. Yes.	16:16:44
2	I don't know if you got my	16:16:58
3	answer, but I said, yes, I'm aware of	16:16:59
4	these.	16:17:02
5	Q. What is Killi?	16:17:02
6	MS. TREBICKA: It's -- for the	16:17:03
7	record, it's K-I-L-L-I.	16:17:04
8	A. I know that Killi is in the	16:17:06
9	space of allowing people to monetize some	16:17:15
10	of their private information. I can't	16:17:20
11	remember exactly what their business model	16:17:23
12	is right now. I know that that whole	16:17:28
13	space is shifting pretty rapidly.	16:17:30
14	BY MS. TREBICKA:	16:17:30
15	Q. And you've never attempted to	16:17:33
16	monetize your personal information on	16:17:35
17	Killi?	16:17:37
18	A. I have not attempted to, no.	16:17:38
19	Q. What is Brave?	16:17:39
20	A. Brave is a web browser that has	16:17:42
21	built-in sort of privacy features and also	16:17:47
22	allows you to sell -- I think they allow	16:17:51
23	you to sell your attention. Basically	16:17:54
24	they'll -- they'll serve you ads and pay	16:17:58
25	you to look at those ads, I believe, but	16:18:00

1	it's a web browser.	16:18:05
2	Q. Have you ever used Brave?	16:18:09
3	A. I have used Brave, yes.	16:18:10
4	Q. Have you gotten paid for using	16:18:12
5	Brave?	16:18:14
6	A. I have not.	16:18:15
7	Q. Earlier we talked about browsing	16:18:16
8	on Incognito in Chrome. Do you recall	16:18:23
9	that? We talked about it a lot --	16:18:27
10	A. Yes.	16:18:30
11	Q. -- frankly, I just always feel	16:18:30
12	the need to preface this with what we've	16:18:32
13	talked about.	16:18:34
14	A. Yes, I do remember that.	16:18:36
15	Q. Okay. And also from some of	16:18:38
16	your interrogatory responses, we know that	16:18:39
17	you used Incognito to browse	16:18:42
18	adult-oriented websites including	16:18:46
19	websites -- or adult-oriented websites and	16:18:50
20	websites like The New York Times, for	16:18:54
21	example; is that correct?	16:18:55
22	A. That's correct, yes.	16:18:57
23	Q. What are adult-oriented	16:18:58
24	websites?	16:19:00
25	A. Pornography websites.	16:19:04

1	that personal data from Google and other	16:21:41
2	tech company's collection for their own	16:21:44
3	benefit and profit"; do you see that?	16:21:46
4	A. I do.	16:21:48
5	Q. Is that a correct statement?	16:21:49
6	A. Yes, that seems correct to me.	16:21:51
7	Q. And skipping over the -- or	16:21:57
8	actually, just continuing -- continuing on	16:21:59
9	with your answer, it says "Plaintiff Byatt	16:22:01
10	cannot recall specifically when he learned	16:22:04
11	of websites like Killi, but he knew about	16:22:06
12	companies like Brave and others that	16:22:09
13	provide monetary compensation for personal	16:22:12
14	data before filing this lawsuit. To the	16:22:14
15	best of Plaintiff Byatt's recollection, he	16:22:18
16	cannot recall attempting to sell his	16:22:20
17	personal data, but because Plaintiff Byatt	16:22:23
18	could sell his personal data to websites	16:22:26
19	like Killi and similar websites, the	16:22:29
20	personal data that Google has unlawfully	16:22:31
21	intercepted while Plaintiff Byatt was in	16:22:34
22	private browsing mode has inherent value	16:22:37
23	and Google unlawfully collected that	16:22:40
24	personal data without providing	16:22:42
25	compensation to Plaintiff Byatt."	16:22:43

1 So I'm talking about this 16:22:47
2 inherent value concept that you have in 16:22:48
3 your interrogatory response. Do you 16:22:51
4 believe that information related to your 16:22:53
5 browsing in Incognito mode has more 16:22:57
6 inherent value than information related to 16:23:00
7 your browsing in non-Incognito mode? 16:23:03

8 MR. LEE: Objection to form, 16:23:07
9 asked and answered, also compound. 16:23:07

10 A. I believe it has value. I 16:23:11
11 don't -- I can't say with specificity the 16:23:16
12 relative pricing of various points of data 16:23:18
13 so I just -- I just don't know what the -- 16:23:28
14 the specific relative pricing looks like, 16:23:30
15 but I am confident that my behavior in 16:23:34
16 Incognito has value. 16:23:39

17 BY MS. TREBICKA: 16:23:39

18 Q. Do you believe that particular 16:23:43
19 pieces of data that are related to your 16:23:44
20 browsing online in Incognito have 16:23:48
21 independent value, for example, IP 16:23:52
22 address? 16:23:55

23 MR. LEE: Objection to form. 16:23:57

24 A. Yes. I suppose that individual 16:24:02
25 pieces of data have specific value. I 16:24:05

1 will say that -- yeah, so the question 16:24:11
2 strikes me as -- as odd because Google 16:24:18
3 does not intercept and collect the 16:24:21
4 information in individual pieces. They 16:24:24
5 collect, you know, a fair bit of it. So 16:24:26
6 I'm not sure how to disentangle those 16:24:32
7 individual pieces, but, yes, I think the 16:24:37
8 value of that data arises from the pieces 16:24:40
9 of data. So, yeah. 16:24:44
10 BY MS. TREBICKA: 16:24:44
11 Q. And is the value of a specific 16:24:46
12 piece of data, for example, IP address, 16:24:49
13 the same as another specific piece of 16:24:51
14 data, again, in Incognito mode, for 16:24:56
15 example, a referrer header? 16:25:00
16 A. Again, I am not -- I have not 16:25:03
17 specifically priced that data. I do not 16:25:06
18 know the specific prices of these things 16:25:08
19 so I don't know. 16:25:10
20 Q. Okay. What about to you, does 16:25:12
21 an IP address have more value to you or 16:25:15
22 less value or the same value than a 16:25:19
23 referral header? 16:25:23
24 A. I think that would be context 16:25:27
25 dependent, and I'm not sure I can answer 16:25:28

1 that generally. 16:25:31

2 Q. Tell me how it would be context 16:25:31
3 dependent, and I'm speaking here about 16:25:34
4 browsing in Incognito specifically. 16:25:36

5 A. Well, I'm not -- much like the 16:25:38
6 other context-based answers from earlier, 16:25:40
7 I don't have a valuation algorithm in my 16:25:46
8 head, but, depending on what my behavior 16:25:52
9 looks like, what I've done, those values 16:26:03
10 could look different in ways I can't 16:26:07
11 necessarily just predict, sitting here. 16:26:12

12 But there are certainly going to 16:26:15
13 be some referrers that are going to be 16:26:20
14 more valuable to me. There are going to 16:26:23
15 be some IPs that are more valuable to me. 16:26:28
16 I think it will depend a lot on -- on too 16:26:31
17 many details to be able to enumerate. 16:26:35

18 Q. If Google were to pay for your 16:26:39
19 data, do you agree that it could use it 16:26:45
20 including for advertising? 16:26:48

21 MR. LEE: Objection to form, 16:26:51
22 incomplete hypothetical. 16:26:53

23 A. Yeah, so if Google were to pay 16:26:56
24 and fully disclose what they were doing 16:27:03
25 and obtain my consent, that's a lot of 16:27:09

1 ifs, then sure, yeah. 16:27:15

2 MS. TREBICKA: Let me mark as 16:27:25

3 the next exhibit, which is Exhibit 21, 16:27:27

4 your responses and objections to 16:27:30

5 Google's third set of interrogatories 16:27:33

6 number 11. 16:27:36

7 MR. LEE: Can we just get a time 16:27:39

8 check as to how long we've been on the 16:27:40

9 record before we get into the 16:27:42

10 document? 16:27:45

11 THE VIDEOGRAPHER: Hour 20. 16:27:46

12 MR. LEE: Hour 20. Do you mind 16:27:48

13 if we take a break? We can do it 16:27:51

14 after this document, Viola, if that's 16:27:52

15 better for you, but should be -- 16:27:52

16 MS. TREBICKA: I'm literally 16:27:54

17 just going to put it into the record. 16:27:56

18 MR. LEE: Okay. 16:27:57

19 MS. TREBICKA: So -- okay. 16:27:59

20 Let's -- I'll do it quickly. 16:27:59

21 (Exhibit 21, Plaintiff William 16:28:01

22 Byatt's Verified Objections and

23 Response to Defendant's Third Set of

24 Interrogatories (No. 11), marked for

25 identification.)

1 accurate, to the best of my knowledge and 16:41:39
2 belief. 16:41:40

3 Q. Okay. 16:41:40

4 MS. TREBICKA: And this actually 16:41:41
5 says "verified objections and 16:41:42
6 responses," but the verification, I 16:41:44
7 understand was not received with this 16:41:47
8 document. I -- I understand it's been 16:41:49
9 received today and we will put it into 16:41:52
10 the record. I just wanted the record 16:41:54
11 to be clear. 16:41:57

12 BY MS. TREBICKA: 16:41:57

13 Q. If you could take a look at 16:42:09
14 interrogatory 16, the answer to 16:42:11
15 interrogatory 16 that -- in the middle of 16:42:13
16 page 2, lines -- between lines 15 and 16, 16:42:15
17 the paragraph that starts with "Google has 16:42:22
18 demonstrated a willingness"; do you see 16:42:23
19 that? 16:42:27

20 A. I do. 16:42:27

21 Q. Do you see that this 16:42:28
22 paragraph -- and take your time to 16:42:29
23 review -- but this paragraph and the next 16:42:31
24 have certain examples of data that -- I'm 16:42:34
25 sorry -- have certain examples of consumer 16:42:40

1 research companies or other companies that 16:42:43
2 you contend demonstrate a willingness to 16:42:45
3 pay consumers; is that right, as a general 16:42:48
4 matter? 16:42:50

5 A. Yes, I see that, and -- and it 16:42:51
6 says that. 16:42:53

7 Q. And were you aware of these 16:42:54
8 consumer research companies before this 16:42:58
9 litigation? 16:43:01

10 A. I couldn't say exactly when I 16:43:04
11 became aware of them specifically. I was 16:43:07
12 aware that, you know, paid consumer 16:43:09
13 research exists. I -- yeah. So I would 16:43:13
14 say generally, I was aware of -- of the 16:43:22
15 existence of companies like this. I 16:43:25
16 cannot say specifically when I became 16:43:27
17 aware of the names of individual 16:43:29
18 companies. 16:43:32

19 Q. Have you ever tried to sell your 16:43:33
20 data to any of these companies listed 16:43:34
21 here? 16:43:37

22 A. I have done paid consumer 16:43:38
23 research, but a very long time ago and not 16:43:45
24 in relation to Google. 16:43:48

25 Q. What do you recall about that? 16:43:51

1	A. I recall that they wanted me to	16:43:53
2	say whether the Gatorade tasted icy blue	16:43:57
3	or cool blue.	16:44:01
4	Q. Was that an online research --	16:44:02
5	A. No. That -- I'm sorry for	16:44:05
6	talking over you. That was in person in	16:44:06
7	Jacksonville in my childhood. I think I	16:44:10
8	was 14.	16:44:14
9	Q. If you direct your attention to	16:44:14
10	that first example in -- that relates to	16:44:19
11	Ipsos, it says here "Ipsos Screenwise	16:44:26
12	Panel (a consumer research study conducted	16:44:41
13	by Ipsos for Google) provides users	16:44:41
14	rewards and, in exchange, Ipsos collects	16:44:44
15	information on how users use the Internet.	16:44:47
16	Participants can earn \$20 for	16:44:50
17	participating in the study, an additional	16:44:52
18	\$100 value if they join and install the	16:44:56
19	special Wi-Fi router, and up to \$16 for	16:44:59
20	each household member (age 13 or older)	16:45:06
21	who joins with their device"; do you see	16:45:10
22	that?	16:45:12
23	A. I do see that.	16:45:12
24	Q. Would you ever participate in --	16:45:13
25	in this Ipsos research study?	16:45:15

1 A. I couldn't say. I wouldn't rule 16:45:19
2 it out. 16:45:22

3 Q. Do you think that the -- that 16:45:25
4 your data while participating in -- in 16:45:27
5 such a research study is worth these 16:45:30
6 amounts that it says here, Ipsos and/or 16:45:33
7 Google are willing to pay for it? 16:45:37

8 MR. LEE: Objection to form and 16:45:39
9 vague as to Incognito data or 16:45:42
10 non-Incognito data. 16:45:43

11 A. Yeah. I -- I -- I don't think 16:45:48
12 that I am qualified to say what a fair 16:45:56
13 market value price of the data is. I 16:46:02
14 mean, if people are signing up to it -- 16:46:10
15 signing up for it, it's worth these prices 16:46:14
16 to somebody. But I can't -- I can't say 16:46:17
17 for sure whether these are accurate values 16:46:21
18 to me. 16:46:26

19 BY MS. TREBICKA: 16:46:26

20 Q. And -- and I'm not asking for 16:46:29
21 the market value price of the data. I'm 16:46:33
22 asking as it relates to you and your data 16:46:35
23 in particular. And let's take it in 16:46:38
24 steps. 16:46:41

25 For Incognito browsing sessions, 16:46:42

1	would you allow Ipsos and Google or for	16:46:46
2	Google to collect information as described	16:46:51
3	in this exhibit, in this paragraph, for	16:46:56
4	the amounts described in this paragraph?	16:47:00
5	A. I'm uncomfortable with the	16:47:05
6	speculation because there may be some --	16:47:07
7	there may be some activity that I would do	16:47:11
8	in Incognito that I may be comfortable	16:47:15
9	selling under some circumstances and at	16:47:22
10	some price point and there may be other	16:47:24
11	activity that I'm not -- I -- I just feel	16:47:27
12	like, you know, I do a lot of different	16:47:32
13	things in -- in Incognito for a lot of	16:47:35
14	different reasons, at a lot of different	16:47:38
15	times.	16:47:40
16	And that behavior is -- is, you	16:47:41
17	know, as I've said, it's very context	16:47:49
18	dependent. So how I would feel about	16:47:51
19	selling particular data at a particular	16:47:55
20	time for a particular price is really hard	16:47:58
21	to say.	16:48:01
22	Q. I direct your attention to the	16:48:04
23	next paragraph, it starts with "companies	16:48:05
24	other than Google," starting on -- between	16:48:08
25	lines 22 and 23. I'll read it into the	16:48:11

1 record and you can read along. 16:48:14
2 "Companies other than Google 16:48:16
3 have demonstrated a similar willingness to 16:48:18
4 pay consumers for their data. Additional 16:48:20
5 examples include: Nielson Computer & 16:48:23
6 Mobile Panel pays up to \$50 per year for 16:48:27
7 passive data collection of a user's 16:48:30
8 internet behavior"; do you see that? 16:48:32
9 A. I do see that. 16:48:34
10 Q. Would you be willing to sell -- 16:48:35
11 to sell your Incognito private browsing 16:48:38
12 behavior for up to \$50 per year for this 16:48:43
13 passive data collection described here? 16:48:47
14 A. Same answer as previously. It's 16:48:50
15 too hard to say about some of the behavior 16:48:53
16 and others being priced differently. 16:48:58
17 Q. Okay. And what about 16:49:03
18 MobileXpression Panel, the next example, 16:49:04
19 "similarly provides compensation for" -- 16:49:08
20 "to users for passive collection of their 16:49:10
21 data, including browsing and purchasing 16:49:12
22 behavior"? 16:49:14
23 Would you be willing to sell 16:49:15
24 your Incognito private browsing behavior 16:49:18
25 to MobileXpression Panel for similar 16:49:20

1 compensation? 16:49:23
2 A. Same answer as the previous two. 16:49:25
3 There's too many variables to -- to say 16:49:27
4 broadly. 16:49:29
5 Q. Okay. Would that same answer -- 16:49:30
6 answer apply to the rest of the values 16:49:32
7 listed here in this interrogatory 16:49:35
8 response? 16:49:37
9 A. Give me just a moment. 16:49:39
10 Q. Sure. 16:49:41
11 A. Yes, I'd say so. 16:49:51
12 Q. All right. 16:49:54
13 MS. TREBICKA: I think we are 16:49:57
14 done with interrogatories responses. 16:49:59
15 And I understand that counsel has 16:50:01
16 served on us today, your verifications 16:50:04
17 for certain of these interrogatory 16:50:07
18 responses, and I'd like to mark it for 16:50:09
19 the record as Exhibit 24 -- oh, I 16:50:11
20 apologize, it is not Exhibit 24. 16:50:21
21 Tracy, could you please unmute 16:50:23
22 and tell us which exhibit it is. 16:50:24
23 MS. GAO: They have not been 16:50:28
24 marked. I can mark those now. 16:50:34
25 MS. TREBICKA: Okay. While we 16:50:37

1	the verifications, and we have agreed	17:41:22
2	that these verification pages will be	17:41:25
3	appended to Exhibit 19, Exhibit 22,	17:41:28
4	and Exhibit 23 and that, with	17:41:33
5	counsel's agreement, we will be	17:41:36
6	sending those particular pages to the	17:41:38
7	production department of the court	17:41:42
8	reporter so that the exhibits can be	17:41:44
9	amended pursuant to this agreement,	17:41:48
10	and I understand that Mr. Lee agrees	17:41:50
11	to all of this.	17:41:52
12	MR. LEE: Correct.	17:41:54
13	MS. TREBICKA: With that, Google	17:41:56
14	has no further questions.	17:41:58
15	MR. LEE: Okay.	17:42:00
16	EXAMINATION	17:42:00
17	BY MR. LEE:	17:42:00
18	Q. Mr. Byatt, I only have a very	17:42:03
19	limited set of questions. If you could	17:42:05
20	pull up what's been previously marked as	17:42:07
21	Exhibit 9.	17:42:09
22	A. I have that open.	17:42:14
23	Q. Okay. And do you recall counsel	17:42:15
24	for Google asking you questions about this	17:42:16
25	document?	17:42:19

1	A. I do.	17:42:20
2	Q. And prior to today's deposition,	17:42:20
3	had you ever seen this document before?	17:42:23
4	A. Not that I recall.	17:42:24
5	Q. And do you know how you would	17:42:26
6	access this page through Google's website	17:42:29
7	or in any other way?	17:42:32
8	A. No.	17:42:35
9	MS. TREBICKA: Objection. So,	17:42:35
10	Mr. Byatt, now it's my turn to object.	17:42:36
11	So just give me a beat, please.	17:42:40
12	Objection to form, leading.	17:42:43
13	BY MR. LEE:	17:42:43
14	Q. Okay. You recall the -- the	17:42:47
15	areas of this document on the first page	17:42:51
16	that counsel for Google asked questions	17:42:54
17	about?	17:42:57
18	A. Yes, I do.	17:42:58
19	Q. And anywhere in that -- in	17:43:00
20	that -- under that section "Your activity	17:43:02
21	might still be visible to you," does it	17:43:04
22	say Google anywhere in those -- those	17:43:07
23	primary bullets?	17:43:14
24	MS. TREBICKA: Objection to	17:43:16
25	form.	17:43:17

1 MR. LEE: You know what, let me 17:43:17
2 re-ask it. 17:43:18
3 BY MR. LEE: 17:43:18
4 Q. Under "Your activity might still 17:43:19
5 be visible," where it states the first two 17:43:21
6 bullets that reference websites, is there 17:43:24
7 any reference to Google there? 17:43:27
8 A. There is not. 17:43:30
9 MS. TREBICKA: Same objection. 17:43:31
10 BY MR. LEE: 17:43:31
11 Q. Does it say -- does it make any 17:43:37
12 reference to Google Analytics in those 17:43:39
13 first two bullets? 17:43:43
14 MS. TREBICKA: Same objection. 17:43:44
15 A. It does not. 17:43:45
16 BY MR. LEE: 17:43:45
17 Q. Does it make any reference to 17:43:46
18 Google Ad Manager in those bullets? 17:43:49
19 MS. TREBICKA: Same objection. 17:43:53
20 A. It does not. 17:43:53
21 BY MR. LEE: 17:43:53
22 Q. Does -- is there any indication 17:43:55
23 in this document that -- that the language 17:43:56
24 here somehow replaces or supersedes 17:44:01
25 Google's privacy policy or the Incognito 17:44:04

1 splash screen? 17:44:08
2 MS. TREBICKA: Same objection. 17:44:10
3 A. Not that I particularly see. 17:44:11
4 BY MR. LEE: 17:44:11
5 Q. And when you were asked 17:44:13
6 questions about this document, do you 17:44:15
7 recall that you gave an answer and you -- 17:44:20
8 you requested that you -- you get to add a 17:44:22
9 little more to your answer, but you 17:44:25
10 weren't able to do so because another 17:44:28
11 question was interposed? 17:44:31
12 A. I do recall that. 17:44:34
13 MS. TREBICKA: Objection, 17:44:34
14 misstates the record. 17:44:35
15 Go ahead. 17:44:37
16 BY MR. LEE: 17:44:37
17 Q. Just for the clarity of the 17:44:41
18 record, would you like to complete your 17:44:42
19 answer that you weren't able to give when 17:44:44
20 counsel for Google was examining you? 17:44:46
21 MS. TREBICKA: Objection, calls 17:44:47
22 for a narrative, leading. 17:44:49
23 A. Still answer? 17:44:53
24 BY MR. LEE: 17:44:53
25 Q. Yeah. 17:44:54

1 A. Yeah. So what I was going to 17:44:55
2 say was that I understand how -- you know, 17:44:58
3 it's this use of the word might still be 17:45:04
4 visible to websites you visit including 17:45:06
5 the ads and resources on those sites. I 17:45:08
6 understand that Chrome and Google wouldn't 17:45:11
7 necessarily be responsible for how 17:45:14
8 Facebook ads or some other advertiser 17:45:18
9 works, but I would expect them to know and 17:45:22
10 be able to represent to me specifically 17:45:24
11 what Google is doing. 17:45:27

12 MR. LEE: Thank you, Mr. Byatt. 17:45:33

13 I have no further questions. 17:45:34

14 MS. TREBICKA: No cross. 17:45:36

15 MR. LEE: All right. I think 17:45:40
16 we're done. 17:45:41

17 MS. TREBICKA: Thank you. Thank 17:45:46
18 you, all. 17:45:46

19 THE VIDEOGRAPHER: This 17:45:47
20 completes today's deposition. The 17:45:47
21 time is 5:45 p.m. 17:45:49

22 MR. LEE: Belle, for the 17:45:57
23 plaintiff, we'd like to order the 17:45:59
24 rough. We'll take an expedite as 17:46:01
25 well. 17:47:12